

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RONALD A. JOHNSON, JR., )  
Plaintiff, ) C.A. No. 12-313 Erie  
v. )  
RICHARD E. MORAN, et al, )  
Defendants. )

## **MEMORANDUM ORDER**

Plaintiff's complaint was received by the Clerk of Court on December 18, 2012, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, filed on September 24, 2013, recommended that the motion to dismiss filed by Defendant Judge William Morgan [ECF No. 25] be granted; the motion to dismiss filed by Defendant Snavely [ECF No. 27] be granted; the motion to dismiss filed by Defendant Hatheway [ECF No. 29] be granted; and the motion to dismiss filed by Defendant Dr. Richard Moran [ECF No. 32] be granted. It was further recommended that Plaintiff's motion for leave to amend [ECF No. 31] and Plaintiff's motion for leave to file Second Amended Complaint [ECF No. 34] be denied as futile, and the Clerk of Courts be directed to close this case. Service was made on Plaintiff by mail at SCI Mahanoy, where he is incarcerated, and on Defendants. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 15<sup>th</sup> Day of October, 2013;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Judge William Morgan [ECF No. 25] is GRANTED; the motion to dismiss filed by Defendant Snavely [ECF No. 27] is GRANTED; the motion to dismiss filed by Defendant Hatheway [ECF No. 29] is GRANTED; and the motion to dismiss filed by Defendant Dr. Richard Moran [ECF No. 32] is GRANTED. It is further ORDERED that Plaintiff's motion for leave to amend [ECF No. 31] and Plaintiff's motion for leave to file Second Amended Complaint [ECF No. 34] are DENIED as futile. The Clerk of Courts is directed to close this case

The report and recommendation of Magistrate Judge Baxter, dated September 24, 2013, is adopted as the opinion of the court.

s/Nora Barry Fischer  
NORA BARRY FISCHER  
United States District Judge

Cc/ecf Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record

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